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March 5, 2010

Via Email & 1st Class Mail

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

**Re: Commonwealth of Massachusetts vs. New Ventures Associates LLC ;
Civil Action No. SUCV2006-00790; FMF# 39545;
Paragraph 27 Notice – Repair Wind Damage**

Dear Mr. Carrigan:

New Ventures is in receipt of the Department's letter dated March 3, 2010 suggesting the Department's intention to take steps to take actions and to draw funds from the FAM with respect to the FML repair. Such action is not warranted by the Settlement Agreement. New Ventures responded quickly and efficiently with respect to addressing the ripping of a portion of the FML on the Landfill (less than 10%) during the hurricane-like winds of February 25, 2010. Based upon New Ventures' response, its action plan and the absence of any public health threat, the Department does not have authority to step in at this time for purposes of conducting repair under Paragraph 27. Further, to the extent that the Department retains a different FML installer, New Ventures risks additional costs and additional time for the work to take place and the Department risking liability.

A brief history of the events is worth noting:

1. New Ventures' personnel monitor the FML and the Landfill as part of their ongoing presence and were aware immediately of the ripping of the FML early Friday morning, February 26, 2010.
2. New Ventures notified the Department following its initial assessment of the degree of damage Friday morning.

3. New Ventures sent a team early that morning to secure the two ripped sections of FML and to take steps to secure the Landfill and to ensure that no off-gassing took place.
4. No C&D material was exposed as a result of the ripping as the geotextile fabric below the FML remained in place. New Ventures made a decision that professionals are necessary to fix the FML.
5. New Ventures is not aware of any complaints of off-gassing in the neighborhoods as a result of the damages to the FML Friday morning.
6. New Ventures contacted GSE, its FML installer for a "timetable" to repair the FML. New Ventures and the Department are aware that it is not appropriate to weld the FML tears during below freezing temperature days.
7. New Ventures has been in contact with the Department's representatives on a daily basis to apprise them of the status of the FML. The FML is presently secured and there is no public health or public safety threat.
8. New Ventures has requested that the payment for the repair as an "Act of God" be paid for out of the FAM, presumably the same fund that the Department would be accessing if it was going to retain a contractor to make the repairs.
9. New Ventures has not abandoned the Landfill and is in the better position to retain, coordinate and oversee the repairs to the FML.
10. There is no imminent public health or safety threat at this time that would cause the Department to take the extraordinary measure of retaining its own team and paying for repair of the FML during cold and windy weather.
11. The purpose of the Standby Trust Agreement is to allow the Department to access monies in extraordinary circumstances such as when New Ventures has abandoned the Landfill, refuses to perform work in connection with the closure, or if an imminent threat to health or safety. In this instance, no extraordinary circumstance has occurred.

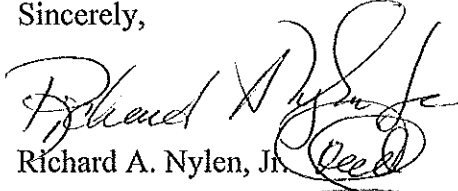
As always, New Ventures will continue to work with the Department to ensure that the closure does not endanger any parties and will contact the Department when the repairs are scheduled.

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Please contact us if you have any questions.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad

cc: The Honorable Donna Holaday, Mayor
Mr. William Thibeault, New Ventures Associates, LLC
Mr. Michael Quatromoni
Mark R. Reich, Esq.

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